

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Public Services – Treasuries and Accounts Department – Sri M.Brahmaiah, former Director of Treasuries and Accounts at present working on deputation at Centre for Good Governance as Head of the Strategy & Performance Innovation Units (SPIUs) — Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules – Charge not proved – Exonerated from the Charge – Orders – Issued

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### FINANCE [ADMN.I-VIGILANCE] DEPARTMENT

**G.O. Rt. No. 3663**

**Dated:23.09.2011**

**Read the following:**

1. G.O.Rt.No.4259 Finance (Admn.I.Vig) Department, dt:01-12-2005.
2. Defence Statement of Sri M.Brahmaiah, former Director of Treasuries dt. 27-12-2005.
3. G.O.Rt.No. 2209 Finance (Admn.I.Vig) Department, dt:15-06-2006.
4. G.O.Rt.No. 1703 Finance (Admn.I.Vig) Department, dt:17-04-2007.
5. G.O.Rt.No. 4364 Finance (Admn.I.Vig) Department, dt:10-11-2008.
6. Enquiry Report of Sri Dr.Subhrendu Bhattacharya, Commissioner of Inquiries dt.18-07-2011.

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### ORDER:-

In the G.O.1<sup>st</sup> read above, Departmental Proceedings were issued against Sri M.Brahmaiah, former Director of Treasuries and Accounts on the allegation that he has misled the Government by sending a report vide Lr.No.L2/9844/2000-2, dt 06-09-2000, to drop the charges against Sri B.L.Hanumantha Rao, former Accounts Officer, IPP, O/o Director of Family Welfare, Hyderabad. The following Articles of Charge was framed against him.

**CHARGE-I :** That, Sri M.Brahmaiah, former Director of Treasuries and Accounts has misled the Government by sending a report vide Lr.No.L2/9844/2000-2, dt 06-09-2000, to drop the charges against Sri B.L.Hanumantha Rao, former Accounts Officer, IPP, O/o Director of Family Welfare, Hyderabad, at present working as Finance Officer, APREI Society who had negligently preferred the claim for Rs.7,45,185/- in favour of M/s Jyothi Surgicals, Visakhapatnam without verifying whether the invoices contain APGST No. or not and whether the APGST percentage claimed by M/s Jyothi Surgicals, Visakhapatnam was in accordance with the rate prescribed by the Government and caused a loss of Rs.89,422/- to the Government, without

verifying the provisions contained in the Section 5 H(iv) of A.G.S.T. Act, which provides for levy of interest at the rates specified in Sub Section 3 of Sec.16, which shall be collected from the authorities who default to deduct tax and tried to save the charged officer from the punishment by sending a misleading report to the Government in favour of the charged officer to drop charges against the charged Officer with a malafide intention and in contravention of the provisions of A.P.G.S.T. Act.

2. Sri M.Brahmaiah, in his defence statement, while denying the article of charge framed against him, has requested to drop the charge on the following grounds:

- As a matter of fact, Sri Hanumantha Rao submitted his Written Statement of Defence to the Charge Memo through DTA as a proper channel and the same was forwarded to the Government with a covering letter by incorporating the contents of the plea of the Charged Officer. Hence, it is not a report as alleged.
- He has requested the Government to issue necessary orders and in sending such covering letter by him neither there is a malafide intention nor he contravened the provisions of A.P.G.S.T. Act.
- Moreover, after receiving the Explanation to the Charge Memo and his covering letter the Govt. have ordered a Regular Inquiry against the Charged Officer.
- During his tenure as Director of Treasuries and Accounts, he never shown any malafide intention to contravene the Rules in force. He neither exhibited lack of integrity, devotion to duty and conduct or was unbecoming of member of service nor contravened Rule-3 of A.P.C.S. (Conduct) Rules, 1964.

3. Government after careful consideration of the defence, Government in the reference 3<sup>rd</sup> read above ordered for a regular enquiry into the charge framed against Sri M.Brahmaiah appointing Sri Dr.A.Madhusudhan Reddy, IAS (Retd.), Member, Commissioner of Inquiries, as Inquiring Authority and Mrs. K.Sridevi, Advocate as the Presenting Officer. Since, Sri Dr.A.Madhusudhan Reddy, IAS.,(Retd.), Commissioner of Inquiries demitted from office, Government appointed Sri S.Satyanarayana, Member, Commissioner of Inquiries, General Administration Department as Inquiring Authority. Later, on demitting from office by Sri S.Satyanarayana, Commissioner of Inquiries, Government have appointed Dr. Subhendu Bhattacharya, IAS, Commissioner of Inquiries as Inquiring Authority vide G.O.Rt.No.4364, Fin(Admn.I) dept,dt:10-11-2008.

4. Whereas, the Commissioner of Inquiries in his report has observed that the punishment of stoppage of two annual grade increments awarded on Sri B.L.Hanumantha Rao was ultimately set aside by the Hon'ble APAT, in their order, dt. 24-6-2009 in O.A.No.929/2006, filed by the said Sri B.L.Hanumantha Rao and the Government in

G.O.Rt. No.4959, dt. 3-12-2010 of the Finance Department have issued orders exonerating the said officer from the charges, besides deciding to recover the loss of Rs. 89,422/- by HM&FW Department from M/s Jyothi Surgicals, Visakhapatnam. **The presenting officer has not made out any case that the charged officer has misled the Government. Therefore, in the said circumstances the charge held is not proved.**

5. Government, after careful examination of the finding of the Enquiry Officer and material on record, hereby exonerate Sri M.Brahmaiah, former Director of Treasuries and Accounts at present working on deputation at Centre for Good Governance as Director from the Charge and drop further action against him under Rule .21 A.P.C.S. (CC&A) Rules, 1991 and provisions of disciplinary proceedings under APCS (Conduct) Rules,1964.

6. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter accordingly.

7. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

**[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]**

**RANJEEV R. ACHARYA**  
**PRINCIPAL SECRETARY TO GOVERNMENT (FP)**

To

Sri M.Brahmaiah, former Director of Treasuries and Accounts at present working on deputation at Centre for Good Governance through Director of Treasuries and Accounts.

Copy to:

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.

The Director General and E.D, Centre for Good Governance, Hyderabad.

Copy to:

The Secretary,A.P.Vigilance Commission, Hyderabad.

The Special C.S, Medical & Health Department to pursue action as per requirement at G.O.Rt.No.4959,Finance (Admn.I) Departemnt,dt:03-12-2010.

The Director of Medical & Health,A.P.Hyderabad to pursue action as per requirement at G.O.Rt.No.4959,Finance (Admn.I) Departemnt,dt:03-12-2010.

Copy to P.S to Chief Secretary to Government.

Copy to PS to PFS Finance Department.

SF/SC

**// Forwarded by Order//**

**SECTION OFFICER**